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Attorney Docket No. 649-1195

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Young-Nam Hwang et al.

Serial No.: 10/695,553

Group Art No.: 2818

Filed: October 28, 2003

Confirmation No.: 5476

For: PHASE CHANGEABLE MEMORY DEVICES AND METHODS OF FORMING
THE SAME IN WHICH AN UPPER ELECTRODE INCLUDES A TIP THAT
EXTENDS TOWARD A LOWER ELECTRODE

February 9, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of October 28, 2003 rather than October 29, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 28, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com) , showing "acceptance" or deposit date with the USPS at 5:28 p.m. on October 28, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of October 29, 2003 instead of the Express Mail date of October 28, 2003.

In re: Young-Nam Hwang et al.
Serial No.: 10/695,553
Filed: October 28, 2003
Page 2

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of October 28, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

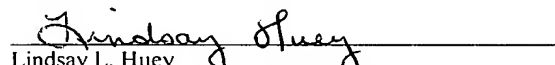


D. Scott Moore
Attorney For Applicant
Registration No. 42,011

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Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 9, 2004.


Lindsay L. Huey
Date of Signature: February 9, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5649-1195

DATE: ~~October 28, 2003~~

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

**Young-Nam Hwang
Se-Ho Lee**

Entitled: **PHASE CHANGEABLE MEMORY DEVICES AND METHODS OF FORMING THE SAME IN WHICH AN UPPER ELECTRODE INCLUDES A TIP THAT EXTENDS TOWARD A LOWER ELECTRODE**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
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Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 24 pages of Specification (including 43 claims)
3. ☒ 9 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below])

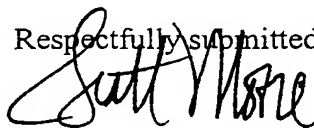
- c. ☐ **DELETION OF INVENTOR(S)** (Signed statement deleting inventor(s) named in the prior application)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (useable if box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (Appendix)
8. ☒ Assignment papers (cover sheet(s) and document(s))
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and _____ references cited
11. ☐ Preliminary Amendment (**Please enter all claim amendments prior to calculating the filing fee.**)
12. ☐ English Translation Document
13. ☒ Certified Copy of Korean Application No. 2002-67351; Filed November 1, 2002
14. ☐ Sequence Listing/ Sequence Listing Diskette
- a. ☐ computer readable copy
- b. ☐ paper copy
- c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	43 - 20 =	23	x 09 = \$	x 18 = \$414.00
INDEP CLAIMS	8 - 3 =	5	x 43 = \$	x 86 = \$430.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
If the difference in Col. 1 is less than zero, Enter "0" in Col. 2			Total \$	Total \$1614.00

- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☒ A check in the amount of \$1654.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ _____
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
- b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,




D. Scott Moore
Registration No. 42,011

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 353592820 US

Date of Deposit: October 28, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


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- ARRIVAL AT UNIT, October 29, 2003, 7:46 am, DULLES, VA 20102
- ENROUTE, October 28, 2003, 6:45 pm, RALEIGH, NC 27623
- ACCEPTANCE, October 28, 2003, 5:28 pm, RALEIGH, NC 27612

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M.S. Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DSM/46 Date: 10-28-03
11-06-03 A09: Doc. No. 5649-1195
Serial No. TBA
Inventor: Hwang et al

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

<input checked="" type="checkbox"/> Application Transmittal and:	<input checked="" type="checkbox"/> Check \$ 1654 ⁰⁰
<input checked="" type="checkbox"/> Specification pages 24	<input type="checkbox"/> IDS & PTO-1449 & refs.
<input checked="" type="checkbox"/> No. of Claims 43	<input type="checkbox"/> Amendment & Amend. Transmittal
<input checked="" type="checkbox"/> Declaration & POA	<input type="checkbox"/> Preliminary Amendment
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<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Brief
<input checked="" type="checkbox"/> Formal Drawings/ 9 sheets	<input type="checkbox"/> Appeal
<input type="checkbox"/> Associate Power of Attorney	<input checked="" type="checkbox"/> Submittal of Priority Doc.
<input checked="" type="checkbox"/> Exp. Mail	<input type="checkbox"/> 1st Class Mail

Other:

03917 U.S. PTO
10/695553



1029037

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

DSM

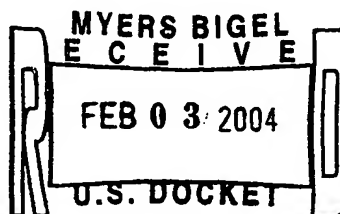


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/695,553	10/29/2003 10/28/2003	2818	1614	5649-1195	9	43	8

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627



CONFIRMATION NO. 5476

FILING RECEIPT



OC000000011792025

Date Mailed: 01/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Young-Nam Hwang, Gyeonggi-do, KOREA, REPUBLIC OF;
Se-Ho Lee, Gyeonggi-do, KOREA, REPUBLIC OF;

Domestic Priority data as claimed by applicant**Foreign Applications**

REPUBLIC OF KOREA 2002-67351 11/01/2002

If Required, Foreign Filing License Granted: 01/29/2004**Projected Publication Date: 05/06/2004****Non-Publication Request: No**

02-01-04 A09:52 IN

Early Publication Request: No**Title**

Phase changeable memory devices and methods of forming the same in which an upper electrode includes a tip that extends toward a lower electrode

Preliminary Class

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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